

**IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION**

Dated: Nainital: The April 4th, 2006
Criminal Misc. Bail Application No. 188 of 2006

Order on the bail application of accused

CRIMINAL SIDE

Bhajan Singh
S/o Shri Kundan Singh
R/o Village Saiz, Patwari Circle Lagasu
Tehsil Karanpryag
District Chamoli

...Applicants

Versus

State of Uttaranchal

...Opposite Party

Arising out of Case of Crime No. 2 of 2005
Under Sections 302 IPC
Registered on the basis of FIR dated 5.11.2005
Patwari Circle Kankhul
Tehsil Karanprayag
District Chamoli

Hon'ble J.C.S. Rawat, J.

Heard Sri R.P. Nautiyal learned counsel for the applicant and learned A.G.A. for the State.

Perused the record. The case resets upon the circumstantial evidence. There is only last scene evidence against the applicant. It was contended that the statements of Prithavi and other witnesses, who happened to be the close relatives of the victim, were recorded on 05.11.2005. It was further contended that the deceased was seen in the company of applicant on the road and the applicant was not behaving with him properly. At that time, both of them were in a drunken stage. It was contended that the brother of the deceased did not rescue him and the applicant continued to drag the deceased at the spot. No information was given on the next day. Thereafter, a few other witness were also examined on 10.12.2005 and they are also related with each other. Considering the facts and circumstances of the case, it is a fit case for bail.

Let the applicant-accused be released on bail on executing a personal bond and two sureties each in each in the like amount to the satisfaction of the C.J.M. concerned.

(J.C.S. Rawat, J.)

Dated 04.04.2006
LSR

